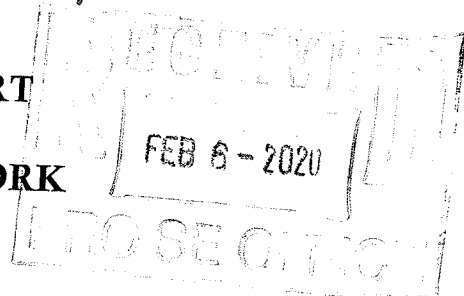


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



AMY R. GURVEY,

X

Plaintiff Pro Se,

CASE NO. 06-1202-cv (LGS)

NOTION OF MOTION TO
VACATE SDNY ORDERS
AS TO DEFENDANT LIVE
NATION [FRCP 60(b)(6)]
[NOTE: Plaintiff's previous
motion filed April 22, 2010 to
vacate March 17, 2009 order
dismissing defendant Live Nation,
Inc. was never adjudicated]
RETURN DATE FEB. 21, 2020

Volume II

This motion to vacate is DENIED. There is no April 22, 2010, motion on the docket. In any case, this motion to vacate is untimely. Federal Rule of Civil Procedure 60(c)(1) requires that any motion to vacate, under Rule 60(b)(6), "be made within a reasonable time." It's been over a decade since the March 17, 2009, order was entered. Even if the April 22, 2010, motion to vacate were filed, that motion was also not reasonably prompt, because it would have been filed over a year after the March 17, 2009, Order. Cf. Fed. R. Civ. P. 60(c)(1) (Rule 60 motions generally should not be made "more than a year after the entry of the . . . order" being challenged.) This action has been appealed several times to the Second Circuit, and has been resolved and closed.

The Clerk of Court is respectfully directed to close Dkt. No. 427, and to mail a copy of this Order to Plaintiff.

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Dated: February 13, 2020
New York, New York